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OFFICE OF PETITIONS

In re Application of :
Roger Pennell : LETTER REGARDING
Application No. 10/046,660 : PATENT TERM ADJUSTMENT
Filed: October 29, 2001 :
Attorney Docket No. 11696-018001 :
/0041-55300 :

This letter is in response to the "LETTER REGARDING PATENT TERM ADJUSTMENT," filed May 3, 2005, pursuant to applicants' duty of good faith and candor to the Office. Applicant states that the patent term adjustment appears to be incorrect, and may be longer than appropriate.

The request for correction of the initial determination of patent term adjustment (PTA) is dismissed.

On March 4, 2005, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is 116 days. Applicant states no basis for their assertion that the patent term adjustment appears to be incorrect, and may be longer than appropriate.

A review of the application history reveals no basis for a conclusion that the patent term adjustment is incorrect or longer than appropriate.

As this letter was submitted as an attempt to advise the Office of an error in Applicant's favor, the Office will not assess the \$200.00 application fee under 37 CFR 1.705(b). The Office thanks applicant for their good faith and candor in bringing this to the attention of the Office.

The application is being forwarded to the Office of Patent Publication for issuance of the application. The patent will issue with any patent term adjustment accrued due to the Office taking in excess of four months to issue the patent, after the issue fee had been paid and all outstanding requirements met.

Telephone inquiries specific to this matter should be directed to Nancy Johnson, Senior Petitions Attorney, at (571) 272-3219.

Kery A. Fries

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